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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,720	07/21/2003	Kristopher L. Tyra	480/US/2	7558

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RATHE PATENT & IP LAW
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EXAMINER

SAEED, USMAAN

ART UNIT	PAPER NUMBER
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2166

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/624,720	TYRA ET AL.	
	Examiner	Art Unit	
	Usmaan Saeed	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election without traverse of claims 1-5 in the reply filed on 9/18/2006 is acknowledged.

Claims 1-5 are pending in this office action.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. The language of the claims raises a question as to whether the claims are directed merely to an environment or machine which would result in a practical application producing a concrete useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Software or program can be stored on a medium and/or executed by a computer. In other words software must be a computer readable. The receive, store, and transmit modules are software modules and are not claimed as being embodied in computer-readable media. Therefore they are computer program per se because they are not capable of causing computer programs functionality to be realized. See MPEP § 2106.IV.B.1 (a).

To expedite a complete examination of the instant application the claims rejected under U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of application amending these claims to place them within the four categories of invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 are rejected under 35 U.S.C 102(e) as being anticipated by **Blott et al.** (**Blott** hereinafter) (U.S. Patent No. 6,449,618).

With respect to claim 1, **Blott** teaches **an apparatus for performing operations on data within a network, comprising:**

“a receive module for receiving from a machine in the network a request for an operation to be performed on particular data content” as the real-time EPS 12 processes events on behalf of the real-time component 16, which may be, e.g., a

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network switch, a service control point (SCP) or other element of a communication system or network, and maintains summary and aggregation data over those events (**Blott** Col 3, Lines 26-30). The term "event" as used herein is intended to include any type of transaction involving contents of a database system, such as, for example, a group of read, update, delete and/or modify operations (**Blott** Col 3, Lines 44-47).

“a store module for locally storing, associated with the machine, information related to the operation” as the events are processed in accordance with services implemented in the RAEs, and utilize data stored in a memory portion of the main-memory database system accessible to the RAEs. The data may include, e.g., a subscription table storing subscription information indicating the service or services that should be executed for a given event (**Blott** Abstract).

“a transmit module, associated with the entity, for implementing the operation and for transmitting an event relating to the operation for use in communicating the operation to subscribers referencing the machine” as a main-memory database system is coupled to the RAEs, and the RAEs process events associated with input streams from one or more data sources and deliver output streams to one or more data sinks. The data source and data sinks may be, e.g., network elements, clients, databases, etc (**Blott** Abstract Col 2, Lines 6-27 and figure 2).

With respect to claim 2, **Blott** teaches **“the apparatus of claim 1 wherein the receive module includes a module for receiving an identification of the machine”**

as other examples of data sources or data sinks include the examples of the real-time component 16 and EPS 12 given previously, e.g., computers or other types of digital data processors (**Blott** Col 5, Lines 1-3).

With respect to claim 3, **Blott** teaches “**the apparatus of claim 1 wherein the receive module includes a module for transmitting a data cell including the request**” as (**Blott** figure 2).

With respect to claim 4, **Blott** teaches “**the apparatus of claim 1 wherein the transmit module includes a module for transmitting a data cell including the event**” as a main-memory database system is coupled to the RAEs, and the RAEs process events associated with input streams from one or more data sources and deliver output streams to one or more data sinks. The data source and data sinks may be, e.g., network elements, clients, databases, etc (**Blott** Abstract Col 2, Lines 6-27 and figure 2). A view over an output stream aggregates summary information over all the events processed by the system. Frequently, chronicles represent either query results, or processed-event records that are delivered to a data warehouse for archiving (**Blott** Col 12, Lines 15-19).

With respect to claim 5, **Blott** teaches “**the apparatus of claim 1 wherein the receive module includes a module for receiving an add, update, delete, or find operation**” as the term "event" as used herein is intended to include any type of

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transaction involving contents of a database system, such as, for example, a group of read, update, delete and/or modify operations (**Blott** Col 3, Lines 44-47).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is listed on 892 form.

Examiner's Note: Examiner has cited particular figures, columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Contact Information


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usmaan Saeed whose telephone number is (571)272-4046. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Usmaan Saeed
Patent Examiner
Art Unit: 2166

Leslie Wong 
Primary Examiner

US
February 22, 2007


HOSAIN ALAM
PATENT EXAMINER